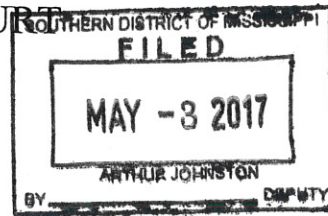


UNITED STATES DISTRICT COURT

for the



Leroy Lewis

Petitioner

v.

Case No. 16-15

(Supplied by Clerk of Court)

Sheriff Billy Sollie

Respondent

(name of warden or authorized person having custody of petitioner)

3:17cv 324-CWR-LKH

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: Leroy Lewis
(b) Other names you have used: _____
2. Place of confinement:
(a) Name of institution: Lauderdale County Detention Facility
(b) Address: 2001 5th Street
Meridian, MS 39301
(c) Your identification number: 2014120112
3. Are you currently being held on orders by:
☐ Federal authorities ☐ State authorities ☐ Other - explain: _____
4. Are you currently:
☒ A pretrial detainee (waiting for trial on criminal charges)
☐ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
If you are currently serving a sentence, provide:
(a) Name and location of court that sentenced you: _____
(b) Docket number of criminal case: _____
(c) Date of sentencing: _____
☐ Being held on an immigration charge
☐ Other (explain): _____

Decision or Action You Are Challenging

5. What are you challenging in this petition:

- ☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)
- ☒ Pretrial detention
- ☐ Immigration detention
- ☐ Detainer
- ☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
- ☐ Disciplinary proceedings
- ☐ Other (explain): _____

6. Provide more information about the decision or action you are challenging:

- (a) Name and location of the agency or court: Circuit Court of Lauderdale County, Mississippi
- (b) Docket number, case number, or opinion number: 161-15
- (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):
I'm challenging my being held for over 270 working days; arrest date - 12-19-2014, 2 1/4 + years
well over 540 working days (twice the amount)
- (d) Date of the decision or action: no exact date. Many days in excess!!

Your Earlier Challenges of the Decision or Action

7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☐ Yes ☒ No

(a) If "Yes," provide:

- (1) Name of the authority, agency, or court: _____
- (2) Date of filing: _____
- (3) Docket number, case number, or opinion number: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____
- _____
- _____
- _____

(b) If you answered "No," explain why you did not appeal: _____

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☐ Yes

☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a second appeal: _____

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes

☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a third appeal:

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes

☒ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes

☒ No

If "Yes," provide:

(1) Name of court:

(2) Case number:

(3) Date of filing:

(4) Result:

(5) Date of result:

(6) Issues raised:

(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes

☒ No

If "Yes," provide:

(1) Name of court:

(2) Case number:

(3) Date of filing:

(4) Result:

(5) Date of result:

(6) Issues raised:

- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: _____

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

☐ Yes ☒ No

If "Yes," provide:

- (a) Date you were taken into immigration custody: _____
(b) Date of the removal or reinstatement order: _____
(c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes ☒ No

If "Yes," provide:

- (1) Date of filing: _____
(2) Case number: _____
(3) Result: _____
(4) Date of result: _____
(5) Issues raised: _____

- (d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes ☒ No

If "Yes," provide:

- (1) Name of court: _____
(2) Date of filing: _____
(3) Case number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes ☒ No

If "Yes," provide:

(a) Kind of petition, motion, or application: _____

(b) Name of the authority, agency, or court: _____

(c) Date of filing: _____

(d) Docket number, case number, or opinion number: _____

(e) Result: _____

(f) Date of result: _____

(g) Issues raised: _____

Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

GROUND ONE:

1st order resetting cause on ^{May 27th} ~~March 20th~~ 2015 to ^{July 28th} ~~May 15th~~ 2015 is the only continuation I've signed.

(a) Supporting facts (Be brief. Do not cite cases or law.):

I signed this one to file motion to withdraw.

~~No D.A. or Judge's signature~~

(b) Did you present Ground One in all appeals that were available to you?

☐ Yes

☒ No

GROUND TWO: The next two continuances state ① Prosecuting attorney on military leave + ② Only says: state request

(a) Supporting facts (Be brief. Do not cite cases or law.):

The 1st was from Nov. 9th, 2015 to Feb. 2, 2016

The 2nd was from Feb. 2nd, 2016 to Apr. 11, 2016

I didn't sign, neither did I ask my attorney to continue either time.

*No D.A. or Judge's signature

(b) Did you present Ground Two in all appeals that were available to you?

☐ Yes

☒ No

GROUND THREE: The 3rd 4th continuation only states: for trial, which is not a good cause for why it was pushed back.

(a) Supporting facts (Be brief. Do not cite cases or law.):

1st June, 2016 to 2nd August, 2016

I didn't sign, neither did I ask my attorney to continue.

No D.A. or Judge's signature

(b) Did you present Ground Three in all appeals that were available to you?

☐ Yes

☒ No

GROUND FOUR: ① The 5th continuation states I sought a trial and demanded a speedy trial; which I've never waived.
② The 6th continuation states: order granting motion for psychiatric evaluation (entered September 26, 2016)
③ Last reset states: cause no 161-15 is set for trial; no further continuances to be granted to defendant.

(a) Supporting facts (Be brief. Do not cite cases or law.):

① 2nd August, 2016 to 31st October, 2016 * No D.A. or Judge's signature
② 31st October, 2016 to 20th March, 2017 * No D.A. or Judge's signature
③ 20th March, 2017 to 15th May, 2017 I didn't sign, nor ask for these continuances. I don't know whether my attorney is working against me or not, but I have copies of all resettings to further corroborate my lack of signing.
* No Judge's signature

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes

☒ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

Request for Relief

15. State exactly what you want the court to do: I'm simply requesting for due process. Since it has been denied me, by my being detained illegally for 540+ working days without trial, that I be released immediately; without prejudice, before I'm denied further constitutional rights in which I'm due as a citizen of the United States of America. I'm also seeking punitive damages, to cover lack of my ability to ^{support} my 10 children while being detained, as well as anguish, pain and suffering in the amount of 2.5 million dollars.

Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 4-18-2017

Leroy Lewis

Signature of Petitioner

Signature of Attorney or other authorized person, if any